

REMARKS

This application has been reviewed in light of the Office Action dated February 11, 2004. In view of the foregoing amendments and the following remarks, favorable reconsideration and withdrawal of the rejection set forth in the Office Action are respectfully requested.

Claims 19, 20 and 22-30 are pending. Claim 21 has been cancelled herein, without prejudice or disclaimer of subject matter. Claims 19, 20, 22 and 24-28 have been amended. Claim 30 has been added. Support for the claim changes and the added claim can be found in the original disclosure, and therefore no new matter has been added. Claims 25, 27, 28 and 30 are in independent form.

Claims 19-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,074,543 (*Yoshihira et al.*). Since Claim 21 has been canceled herein, the rejection of that claim is moot. Applicants respectfully traverse the rejection of the other claims.

Applicants submit that amended independent Claims 25, 27, 28 and 30, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Independent Claims 25 and 28 recite, *inter alia*, that a movable member is provided with a portion integrated with a substrate and fixed on the substrate by laminating the material from which the movable member is formed, a curved portion curving with respect to the substrate, and a movable portion separated from the substrate at a tip of the curved portion.

Yoshihira et al. relates to a method for producing a liquid ejecting head including a movable member and two liquid flow path portions. However, nothing in that reference is understood to teach or suggest that a movable member is provided with a portion integrated with a substrate and fixed on the substrate by laminating the material from which the movable member is formed, a curved portion curving with respect to the substrate, and a movable portion separated from the substrate at a tip of the curved portion.

Independent Claim 27 recites, *inter alia*, a movable member being fixed to a substrate and being formed by a silicon nitride multi-layered film with the composition thereof being changed or impurities being added thereto.

Independent Claim 30 recites, *inter alia*, that each movable member is formed by laminating a material on a substrate and delaminating the material from the substrate, a thermal expansion coefficient of a portion of the laminated material facing the substrate being higher than that of another portion of the laminated material.

However, nothing in *Yoshihira et al.* is understood to teach or suggest any of the features contained in the above-noted recitations of independent Claims 27 and 30.

In regard to Claim 27, the Examiner stated at page 3 of the last Office Action that “Even though *Yoshihira et al.* does not disclose[] that the movable member is formed of a silicon nitride multilayered film with the compositions being changed or impurities being added thereto, . . . the claimed movable member of the present invention does not structurally distinguish over the movable member disclosed[d] in *Yoshihira et al.* It has been held that determination of patentability of a product is base[d] on the product itself and does not depend on [its] method of production.”

In that regard, Applicants submit that the above-noted recitations of Claim 27 pertain to the claimed product and not merely to the method of its production. Specifically, as discussed in the specification, for example, at page 42, lines 4-12, changing the composition of the SiN film or adding impurities to it to make it a multi-layered film can serve to enhance its physical properties (e.g., stress, rigidity, Young's modulus) and/or chemical properties (e.g., alkali or acid resistance). Applicants submit that the above-noted recitations of Claim 27 structurally distinguish that claim over the cited art.

In regard to Claim 30, Applicants submit that the above-noted recitations of that claim pertain to the claimed product, not merely to its method of production. For example, formation of the movable member by lamination obviates the need to position the movable member in the substrate, thereby permitting more precise formation of the interiors of the liquid flow paths. See, e.g., page 7, line 23 - page 8, line 5 of the specification. For another example, the feature of different thermal expansion coefficients permits controlling changes caused by temperatures in the nozzle. See, e.g., page 24, lines 18-23 of the specification.

Since *Yoshihira et al.* does not contain all of the features of any of the independent claims, those claims are believed allowable over that reference.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our Washington, D.C. Office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas W. Pinsky", is written over a horizontal line.

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